

SECOG

SOUTH EASTERN COUNCIL OF GOVERNMENTS

SOUTH DAKOTA

In this Issue:

Pg. 2 The Director's Corner

Pg. 6 From Jim's Desk

Pg. 8 Leslie & Sara's Notes

Pg. 10 The Planners' Plan

Pg. 14 Dakota Business Finance News



SECOG Approves Grant Funding for Updated Housing Studies

The South Dakota Housing Development Authority (SDHDA) has expanded the Housing Needs Study Program and will now allow communities to receive financial assistance to complete an updated housing study.

Communities whose study is at least four years old or who can document substantial changes within their community warranting the update are eligible to apply. The cost sharing levels will remain the same.

- Requirements: Population of 10,000 or less
- Cost: Population of 1,000 or less (\$5,000)
- Population of 1,000-5,000 (\$7,500)
- Population of 5,000-10,000 (\$10,000)

Communities are eligible to apply for a 50% grant from SDHDA to fund ½ the cost of the study. The community is required to come up with 50% in matching funds. Because of the importance that workforce housing plays in the economy of SECOG's region, SECOG's board has again agreed to pay for ½ the cost of the local match for each community/member in its region that is awarded funding from SDHDA up to a maximum of \$2,500 per community.

For example:

- Population of 1,000 - 5,000: \$7,500
- SDHDA: \$3,750
- Community: \$1,875
- SECOG: \$1,875

Please let us know if you have any projects you would like assistance with in 2019. We enjoy working with you to make the region a better place!

Contact Sara at sara@secog.org or Leslie at leslie@secog.org for additional information.


Jessica Evans Completes Leadership South Dakota




Jessica Evans was selected as a part of the 2018-2019 Leadership South Dakota class. Jessica has been with SECOG since 2007. She represented SECOG, SEDF, and Dakota Business Finance throughout the seven month program and met classmates from across the state in varying industries including government, banking, economic development, financial, and healthcare, among others.

Participants benefits include increasing understanding of S.D. through site tours and presentations from successful S.D. leaders, growth in leadership skills, improvements in public speaking skills, expansion of a network of colleagues, improvement of team-building skills through group discussion, and further development of critical thinking and problem-solving skills. Employers benefits include strengthened employee skill through training in leadership and strategic thinking, increased visibility and access to community leaders and resources, encouragement of employee volunteerism and leadership through exposure to the variety of community and non-profit organizations that service the state, expanded leadership and critical thinking abilities which result in improved and confident decision makers. Community benefits include the development of positive, strong and educated leaders for S.D., increased cultural awareness of local issues, encouragement of business reinvestment in South Dakota communities and the state, promotion of S.D. and all it has to offer, and the growth of a diverse pool of active, community-oriented citizens.

Jessica and her classmates visited the South Dakota communities of Pierre, Brookings, Rapid City, Huron, Kyle, and Sioux Falls before graduating in Chamberlain in late March.



Transportation Economic Development Grants



The South Dakota Department of Transportation has developed a grant program to foster economic development and enhance community access in South Dakota. The program has three categorical purposes.

- * The Industrial Park grants will be made to any local unit of government for the development of new or expanded access for new industry located within industrial parks. Applications are due April 15, July 15, or October 15.
- * The Agri-Business grants will be made to any local unit of government for the development of new or expanded agri-business industries. Applications are due April 15, July 15, or October 15.
- * Community Access Grants are state funds for towns less than 5,000 in population and are for the construction or reconstruction of major streets in each town such as Main Street, the road to the elevator, schools, hospitals, etc. Applications are due July 15.

These programs provide for 80% of the construction costs of the project, excluding engineering and utility work. Grant size is limited to \$600,000 for Community Access and Agri-Business Grants and \$500,000 for Industrial Park Grants.

Application Should Include:

- + Clear map showing the project location
- + Engineer's Estimate
- + Resolution of support from the local sponsor

Project Requirements:

- 1) Designed in accordance with the South Dakota Department of Transportation Standard Specifications for Roads and Bridges
- 2) Department of Transportation Standard Specifications for Roads and Bridges
- 3) Must comply with the American's with Disabilities Act
- 4) Funds cannot be used for routine maintenance
- 5) Must have plans and specifications stamped by a registered professional engineer

All grants will be based on the criteria developed by the Department of Transportation. The expenditure authority for the program will be determined by the Transportation Commission. All grants must be approved by the Transportation Commission and may be used to construct or reconstruct roads and streets in the community.

All aspects of these grant programs are outlined in the Fact Sheets and Policies available at <http://www.sddot.com/business/local/economic/> Please contact Sara or Lesile if you want assistance submitting an application.



SECOG Director Attends Conference in DC

Recently, SECOG Director Lynne Keller Forbes attended the National Association of Development Organizations (NADO) and Development District Association of Appalachia (DDAA) Washington Conference.

This conference offered a variety of opportunities to learn about new federal policy priorities and initiatives, as well as the latest research and trends that will influence the future of the regional development landscape.

Pictured above, Lynne sitting at S.D. Representative Dusty Johnson's desk.



Sioux Falls Mayor mentions partnership with SECOG

SECOG was mentioned in a recent Sioux Falls Business article in which Minnehaha County and Lincoln County Economic Development Associations were interviewing Mayor Paul TenHaken.

Q: *Sioux Falls is becoming an increasingly expanding metro area. What are some of the first impressions you've had of that regionalization? What has stood out to you?*

A: *My first impression is the obvious — each mayor in the region wants a community with incredible quality of life. As a region, Sioux Falls will play an important leadership role in bringing the area communities together to plan and collaborate while working hand-in-hand with SECOG (The South Eastern Council of Governments). I am also impressed by the leadership in our surrounding communities and their desire for collaboration with Sioux Falls.*

You can read the full article at <http://siouxfalls.business/tenhaken-sioux-falls-will-play-a-leadership-role-in-bringing-area-communities-together/>

From Jim's Desk



2019 Sioux Falls Metropolitan Area Long-Range Transportation Plan Market Research Study

During the spring and summer of 2019, the Sioux Falls Metropolitan Planning Organization (MPO) will be conducting a comprehensive market research study to gather community input on transportation planning issues in Lincoln and Minnehaha counties. The results of the study will be used to identify priorities for the region's next Long-Range Transportation Plan. This is the fifth time the MPO has conducted a comprehensive transportation market research assessment with previous studies completed in 1999, 2005, 2010, and 2015.

The major components of the study are:

- § Open-ended stakeholder interviews will be conducted with leaders of organizations that may influence transportation decision-making in Lincoln and Minnehaha counties.
- § Focus groups will be held with residents living inside the City of Sioux Falls, residents living outside the city, seniors, business leaders, advocates of under-served populations, freight carriers, shippers, and commercial drivers.
- § A resident survey will be administered to a random sample of 1,000 residents of Lincoln and Minnehaha counties. The 2019 survey will contain many of the questions that were asked on previous surveys to see how attitudes of residents have changed over the past twenty years.

Continued on next page

2019 Sioux Falls Metropolitan Area Long-Range Transportation Plan Market Research Study (Cont.)



- § An employer survey will be administered to a random sample of 300 employers in Lincoln and Minnehaha counties. The 2019 survey will contain many of the questions that were asked of employers on previous surveys to see how the perceptions of the business community have changed over the past twenty years.
- § A survey of traditionally underserved populations will be administered to persons who use public transportation services in the Sioux Falls area. The survey of traditionally underserved populations is designed to ensure that the needs of low-income persons and persons without cars are adequately represented in the study.

Meetings & Dates

Citizen Advisory Committee
May 8th, 2019 @ 3:00 p.m.

Technical Advisory
Committee
May 9, 2019 @ 2:00 p.m.

Urbanized Development
Commission
May 9, 2019 @ 4:00 p.m.





Funding awarded

The Board of Water and Natural Resources (BWNR) approved funding for three infrastructure projects in the SECOG District. The grants and loans are administered by the Department of Environment and Natural Resources.

- * The City of Montrose was awarded a \$187,000 loan to upgrade its water storage facility. The City was previously awarded Community Development Block Grant (CDBG) funds for this project.
- * The City of Sioux Falls was awarded \$26,808,800 in loan funds to replace the main wastewater pump station and to implement nonpoint source projects to improve water quality in the Big Sioux River watershed.
- * The City of Bridgewater was awarded a \$1,760,000 loan with \$260,000 in principal forgiveness for storm water system improvements. The City was previously awarded Community Development Block Grant (CDBG) and Community Access Grant (CAG) funds for this project.

The next application deadline for BWNR funding is July 1, 2019. If you have an infrastructure project in mind, contact Sara at 605-681-8188 for Union, Turner, and Lincoln Counties or Leslie at 605-681-8184 for Minnehaha, McCook, and Clay Counties.

Upcoming Dates & Deadlines

- April 30: Local Infrastructure Improvement Program (LIIP)
- May 1: State Water Plan Amendments
- June 18: Community Resource Fair
- Anytime: Small Community Planning Grant

save the date

The third annual Resource Fair will be held on June 18, 2019 at the Country Club of Sioux Falls. This year's program will kick off at 4:30pm with guest presentations about tax increment financing, constitutional debt, and bond issuance. Following these presentations, there will be an opportunity to engage one-on-one with state and federal funders, SECOG staff, and our generous event sponsors.

This is an opportunity to acquire more information about available programs and discuss current and future projects in your community while enjoying complimentary hors d'oeuvres, an open bar, and door prizes.

The government partners who will be represented include the Department of Environment and Natural Resources, Department of Transportation, Game, Fish and Parks, Office of Emergency Management, USDA Rural Development, Housing Development Authority.

Other attendees include city council members, mayors, city administrators, county administrators, county commissioners, and finance officers.



The Planners' Plans



How to Effectively Repeal Local Ordinances

At some point, many communities decide that a certain ordinance or their comprehensive code of ordinances is outdated, a tangled mess, or simply no longer reflects local priorities. Once that decision has been made, the local governing body spends several months working with staff and other community groups to fix the problem.

Many assume that any new ordinance adopted will simply wipe away everything that existed on the topic before its adoption; however, is this truly the case? Did you actually repeal the old law or have you just stacked an inconsistent or supplementary law on top of it?

In *Northwestern Public Service Company v. City of Aberdeen*, 90 S.D. 627 (1976), the Supreme Court of South Dakota held that an existing ordinance can only be repealed in one of two ways, either through (1) an express repeal; or (2) an implied repeal.

Express Repeal

For there to be an express repeal, it must be "literally declared" and "leave no doubt as to what [ordinance it is repealing]." In *Northwestern Public Service Company*, the Court found that the standard repealer clause included within City of Aberdeen's revised comprehensive code of ordinances did not expressly repeal certain preexisting ordinances.

Continued on next page

KRISTEN BENIDT | GIS@SECOG.ORG

PATRICK ANDREWS | PATRICK@SECOG.ORG

How to Effectively Repeal Local Ordinances cont.

In doing so, they reasoned, "[The repealer clause] does not mention [the existing ordinance] by name nor use any of the terms plaintiff claims refer to [the existing ordinance] in [the repealer clause]. We cannot include that there is no doubt as to whether [the existing ordinance] is included in the repeal, and therefore must conclude that there is no express repeal."

Implied Repeal

If there is no express repeal, things get a bit more complicated. The general rule is that "[t]he courts do not favor repeals by implication, and it is the duty of [the courts] to give effect to both enactments if their provisions can be reconciled." *Brookings County v. Sayre*, 53 S.D. 350, 354 (1928).

Elaborating on that point, the Court in *Jacobi v. Clarkson*, 60 S.D. 401, 404 (1932) wrote that a "so-called 'blanket repeal' purporting to repeal 'all acts and parts of acts inconsistent, etc.,' of course adds nothing to the repealing effect of the statute." As such, both the preexisting law and the subsequently adopted law will be in full force and effect unless they are so incompatible and inconsistent that they cannot, by any reasonable construction, be reconciled and allowed to stand together. If such a situation exists, only then would a court consider the preexisting law to be impliedly repealed.

Conclusion

If you are looking to repeal an existing ordinance, whether by itself or as part of the adoption of a comprehensive code of ordinances, you should express your intent to do so very directly by either citing the ordinance's number or through a description so detailed that there is no question about what you are trying to do.





HB 1215 – Posting Ordinances to Your Website!

South Dakota House Bill 1215 goes into effect on July 1, 2019. According to the bill's prime sponsor, Representative Ryan Cwach (District 18), the purpose of the new law is to ensure the public has access to the most current version of the law. This is important because they rely on the laws posted on a local government's website to make informed decisions about zoning restrictions and other matters. See audio recording of the South Dakota House Local Governments Committee, February 7, 2019.

In effect, the new law requires that you keep the text of the ordinances on your website updated and only display the most current version. This only applies if you actually post them to your website. If you do not currently post your ordinances to your website, it does not impose any requirement that you do so.

Additionally, as a practical matter, this law requires that the local government's auditor or clerk file an Affidavit of Online Publication stating the date and time the ordinance was published online. This requirement is designed to mirror the Affidavit of Publication requirement for physical copies of the ordinance book found in SDCLs 17-18A-25 and 9-19-14.

If you would like assistance in compiling your ordinances into a current ordinance book for both physical and online publication, this is a service provided to you by SECOG as part of your annual membership dues. Please contact Patrick for additional information.

SECOG Completes Draft 2019-2023 Comprehensive Economic Development Strategy

The South Eastern Council of Governments (SECOG) has published a draft of the 2019-2023 Comprehensive Economic Development Strategy (CEDS) for the region, which includes Clay County, Lincoln County, McCook County, Minnehaha County, Turner County, and Union County. The CEDS has been prepared pursuant to planning and designation requirements under the U.S. Department of Commerce Economic Development Administration (EDA). The CEDS is also required in order to qualify for financial assistance under the EDA's Public Works and Economic Adjustment programs, and most planning programs.

As a part of the plan, SECOG conducted a survey of stakeholders across the region. These stakeholders included individuals from both local government and business and financial interests. This survey formed the basis of the Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis that was performed as a part of the CEDS process. Following is a brief summary of advantages and obstacles as identified by the survey.

	Helpful	Harmful
Internal	Strong Economic Development Atmosphere (Organizations, Collaborations, Support System)	Lack of Workforce
	Good Public Utilities (Infrastructure and Price)	Lack of Infrastructure (Quality and/or Access)
	Good Access to Transportation	Lack of Affordable Housing
	Quality of Life	Lack Marketing/Investors/Retention/Recruitment
	Strong Work Ethic/Good Quality Work Force/Number of Jobs	Low Wages/Competing with Other Markets
External	Increasing Technology	State/Federal Government Policy/Uncertainty
	Invest in Public Transportation/Multimodal Transportation	Poaching of Opportunities by Other States/Regions
	Proximity/Distance from Other Markets	Lack of Trained/Educated Workforce
	Increase Tourism Opportunities to Pull Visitors that are Already Coming for West River Sites	Drug Epidemic
	Invest In/Create Affordable Housing Solutions	Low Wages

A thirty (30) day review and comment period began April 2, 2019 and extends through May 1, 2019. The draft CEDS is available for review at www.secog.org or a copy may be obtained by contacting Kristen Benidt at 605-681-8174 or gis@secog.org. All comments may be submitted by mail to South Eastern Council of Governments, 500 N. Western Ave., Suite 100, Sioux Falls, SD 57104 or by email to gis@secog.org.

New Approved Loans

Dakota BUSINESS Finance
South Eastern Development Foundation



Hot Spring Spa
Purpose: Purchase of existing building
Participating Lender: Aaron Nieman (Dacotah Bank)

J & H Cleaning Services, Inc.
Purpose: Purchase of existing building
Participating Lender: Cory Worth (First Dakota National Bank)



Canton Area Preschool & Childcare Center
Purpose: Purchase an existing building & renovation
Participating Lender: Trisha Viss (Dacotah Bank)



New Approved Loans

Dakota BUSINESS Finance
South Eastern Development Foundation



Emerald Pines Barn, LLC

Purpose: Purchase of land and construction

Participating Lender: Melissa Fossell
(First Bank & Trust)

Rapid Fitness

Purpose: Purchase of existing building

Participating Lender: Scott Dreessen
(First Dakota National Bank)



Lincoln County Ag, LLC

Purpose: Refinance, purchase of land and building

Participating Lender: Rodney Krantz
(Plains Commerce Bank)

Advertising Arts, Inc.

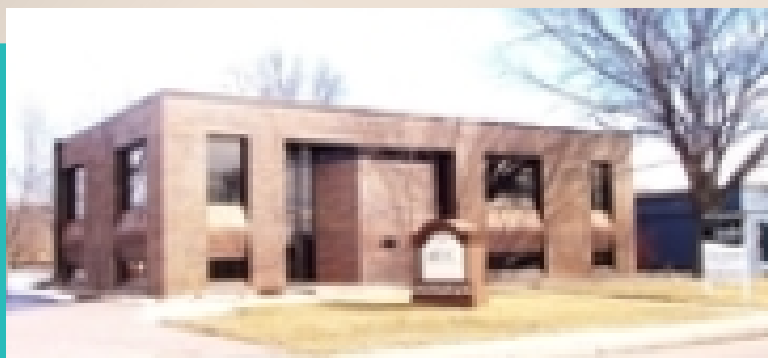
Purpose: Purchase of building

Participating Lender: Patrick Erickson
(Great Western Bank)



New Approved Loans

Dakota BUSINESS Finance
South Eastern Development Foundation



Hagan Barron Intermediaries

Purpose: Purchase building

Participating Lender: Aaron Tribble
(American Bank & Trust)

Sweeny Sanitation

Purpose: Financing of
a new business



SWEENEY
SANITATION SERVICES



Atoley Salon & Spa, LLC

Purpose: Refinance and leasehold
improvements,

Participating Lender: Trisha Viss
(Dacotah Bank)

New Approved Loans

Dakota BUSINESS Finance
South Eastern Development Foundation



Fiesta Foods

Purpose: Purchase of equipment

Participating Lender: Cory Worth
(First Dakota National Bank)

Octane Ink, LLC

Purpose: Purchase of land and
construction of new building

Participating Lender: Jenni White
(Reliabank)



Riverview Christmas Tree Farm

Purpose: Refinance of contract for deed.

Participating Lender: Rodney Krantz (Plains Commerce Bank)

dakotaBUSINESSfinance NEWS

Dakota BUSINESS Finance
South Eastern Development Foundation

New Staff welcomed



Mara Davidson of Sioux Falls, SD has joined our team as a loan assistant.

Mara graduated with a Bachelor's Degree in Finance from University of South Dakota in May of 2017 and a Master of Business.

Administration in May of 2018.

Mara will be assisting with Dakota BUSINESS Finance and South Eastern Development Loans.



Julie Fleek joined our team as an Administrative Assistant at the end of January.

Prior to coming to SECOG Julie was the Patient Services Coordinator for a hearing center in Sioux Falls.

Julie assists the Dakota BUSINESS Finance, South Eastern Development Foundation and SECOG staff.





1111 N. Lake Avenue
Sioux Falls, SD 57104
605-271-5527
infrastructuredg.com



Municipal Engineering | Transportation Engineering/Planning | Water Resources
Site Development | Construction Observation | Parks & Recreation
Land Surveying



Streets • Sewer • Drainage
Water • Airports • GIS
Electrical Power

Trusted. Professional. Solutions.



Sioux Falls, SD | Yankton, SD
605-339-4157 | 605-665-2002

dgr.com email: dgr@dgr.com



www.bannerassociates.com

- Civil/Transportation
- Municipal Engineering
- Land/Site Development
- Water Treatment, Storage & Distribution
- Wastewater Collection & Treatment
- Water Resources
- Structural Engineering
- Surveying



BANNER
engineering a better community

Brookings • Sioux Falls • Vermillion • Milbank | Toll Free 1 855 323 6342

Jensen Insurance & Real Estate



Mark Jensen **Brad Bak**
Zach Jensen **Brad Antonson**

Beresford, South Dakota 57004

DAVENPORT EVANS
LAWYERS



DOUGLAS J. HAJEK

DAVENPORT, EVANS, HURWITZ & SMITH, LLP
206 WEST 14TH STREET • P.O. BOX 1030
SIOUX FALLS, SOUTH DAKOTA 57101-1030
(605) 357-1227 • DHAJEK@DEHS.COM
WWW.DEHS.COM

DOUGHERTY & COMPANY LLC
Trusted public finance partners since 1977





Sioux Falls, South Dakota
605.339.9800 | 800.339.1111

Pierre, South Dakota
605.224.5557 | 877.224.5557

Ray "Woody" Woodsend Tom Grimmond Toby Morris

Member SIPCOT/NA



Maguire Iron, Inc.

P.O. BOX 1446
SIOUX FALLS, SD 57101
605/334-9749
FAX 605/334-9752
www.maguireiron.com

GENE JONES, JR.
President
putz@maguireiron.com
605/334-0029 Res.

SINCE 1915
WATER TOWER SPECIALISTS





AES²

WE KNOW SD WATER.

WATER, WASTEWATER, & WATER RESOURCES ENGINEERING
+Financial Services +Instrumentation & Controls

www.ae2s.com    

Meierhenry Sargent LLP
ATTORNEYS AT LAW

Todd V. Meierhenry
todd@meierhenrylaw.com

315 SOUTH PHILLIPS AVENUE
SIOUX FALLS, SOUTH DAKOTA 57104
(TEL) 605.336.3075 (FAX) 605.336.2593
www.meierhenrylaw.com



STOCKWELL

605.338.6668
600 N. Main Ave., Suite 100
Sioux Falls, SD 57104
stockwellengineers.com

UTILITY ANALYSIS & DESIGN
STREET DESIGN
LAND SURVEYING
PARKS PLANNING
SPORTS COMPLEXES
TRAILS & GREENWAYS

Ideas transform communities



Sioux Falls 605.977.7740
hdrinc.com



Sayre Associates

Civil Engineers & Land Surveyors
www.sayreassociates.com ▪ (605) 332-7211



Civil Engineering
Aviation
Water Resources
Transportation
Environmental
Mining
Water
Wastewater
Design-build
Planning
Community Development/Funding

SEH

Building a Better World
for All of Us™
sehinc.com
605.330.7000

SPN

**SCHMUCKER • PAUL • NOHR
AND ASSOCIATES**

ENGINEERS • SURVEYORS

MITCHELL, SOUTH DAKOTA 57301
P.O. BOX 396, 2100 N. SANBORN BLVD.
PHONE (605) 996-7761
FAX (605) 996-0015



HRGreen

Serving our communities for more
than a century.

▷ Phone 605.334.4499 ▷ HRGREEN.COM

TRANSPORTATION + WATER + GOVERNMENTAL SERVICES
LAND DEVELOPMENT + ENERGY + CONSTRUCTION



McLaury Engineering, Inc.
Professional Engineers & Surveyors

- Municipal Engineering
- Transportation Engineering
- Site Design
- Laboratory Testing
- Construction Management
- Construction Staking
- Land Surveying/Mapping
- Topo/Boundary Surveys
- 3D LIDAR Surveys

Elk Point 605.356.2308 Parkston 605.928.7676 www.mclauryengineering.com
Sioux Falls 605.271.8998 Toll Free 800.499.2308

CUTLER LAW FIRM, LLP
ATTORNEYS AT LAW

140 North Phillips Avenue, 4th Floor
Sioux Falls, South Dakota 57104

NATHAN S. SCHOEN, LL.M.
NateS@cutlerlawfirm.com

OFFICE (605) 335-4950
FAX (605) 335-4961
DD (605) 335-4965
www.cutlerlawfirm.com



ISG

ARCHITECTURE
ENGINEERING
ENVIRONMENTAL
PLANNING

www.is-grp.com

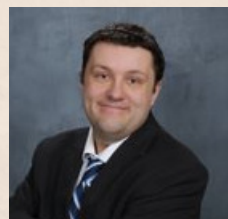
South Eastern Council of Governments Staff



Lynne Keller Forbes
Executive Director
lynne@secog.org
(605) 681-8172



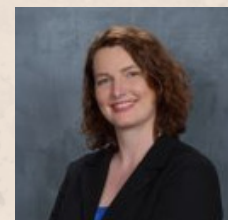
Jessica Evans
Associate Director
jessica@secog.org
(605) 681-8177



Patrick Andrews
Planner
patrick@secog.org
(605) 681-8176



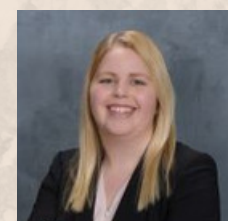
Betty Gates
Paraprofessional Bookkeeper
betty@secog.org
(605) 681-8171



Kristen Benidt
GIS Technician/Planner
gis@secog.org
(605) 681-8174



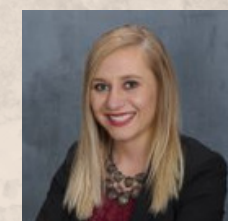
Sara Lum
Planner
lsara@secog.org
(605) 681-8184



Mara Davidson
Loan Assistant
mara@secog.org
(605) 681-8179



Leslie Mastroianni
Planner II
leslie@secog.org
(605) 681-8184



Aspen Ducheneaux
Closing Officer
aspen@secog.org
(605) 681-8173



Daniel Park
Loan Officer
daniel@secog.org
(605) 681-8187



Jim Feeney
Planner II
jim@secog.org
(605) 681-8175



Kim Severson
Servicing Analyst
kim@secog.org
(605) 681-8178



Julie Fleek
Administrative Assistant
julie@secog.org
(605) 681-8182



CONTACT US

500 N. WESTERN AVE, SUITE 100
SIOUX FALLS, SD 57104

(605) 367-5390 | WWW.SECOG.ORG